

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PETER KIEWIT SONS', INC.,

Plaintiff,

vs.

KIEWIT CONSTRUCTION, L.L.C., and  
MICHAEL ALLEN HENDRICKSEN,

Defendants.

**8:21CV372**

**SHOW CAUSE ORDER**

This matter comes before the court after a review of the docket and pursuant to NECivR. 41.2 which states in relevant part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution."

The complaint was filed in this case on September 23, 2021. (Filing No. 1) Summons were issued as to defendants Kiewit Construction, LLC and Michael Allen Hendricksen on September 24, 2021. (Filing No. 10). The summons as to Hendricksen was returned executed on September 27, 2021. (Filing No. 12). No summons return as to Kiewit Construction, LLC has been filed on this court's docket.

After a hearing held on September 30, 2021, a temporary restraining order was entered enjoining Kiewit Construction, LLC and Michael Allen Hendricksen from using the Kiewit Construction Mark or engaging in further acts of unfair

competition, infringement and/or dilution of the Kiewit Mark. (Filing No. 16). After a hearing held on October 14, 2021, Plaintiff's motion for preliminary injunction was granted and Defendants were directed to file a report setting forth the detail and manner of their compliance with the injunction within 30 days. Michael Allen Hendricksen submitted an affidavit regarding his acts in compliance with the injunction. (Filing No. 24). To date, neither Defendant has filed an answer or other response to the complaint and no explanation has been provided to the court regarding the failure to litigate the claims against Defendants. Plaintiff has a duty to prosecute the case.

Accordingly,

IT IS ORDERED Plaintiff shall have until March 4, 2022 to show cause why the claims against Defendants Kiewit Construction, LLC and Michael Allen Hendricksen should not be dismissed for want of prosecution. See NECivR 41.2. The failure to timely comply with this order may result in dismissal of those claims without further notice.

Dated this 11th day of February, 2022.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge